

**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: Star Stone Quarries / Peoa Blonde Quarry  
Permit #: M/043/012

CO # MC-05-01-16(1)  
Violation # 1 of 1

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: The Operator has expanded operations 0.88 acres beyond the approved permit boundary without first amending/revising his Large Mining Operation permit.

2. Has the event or damage occurred? Yes  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The inspection of this site on 09-22-2005 found approximately 0.88 acres of mining related disturbance outside the approved permit boundary.

3. Did any damage occur as a result of the violation? Yes

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Approximately 0.88 acres have been disturbed by mining related activities that are outside the approved permit area.



**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: \_\_\_\_\_

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☒ Was the operator in violation of a specific permit condition?

Explanation: The operator was required to mark the perimeter of his permit area with metal 't-posts' to assure disturbances were not conducted outside the permit boundary.

- ☒ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: Prior to receiving his Large Mining Permit in 2000, the operator had been issued a notice of non-compliance for expanding his permit area without first amending/revising his permit. When the permit area markers were installed, the operator was again cautioned to revise his plan before disturbing lands outside the permit area. Several of the permit area markers had been removed and/or buried.

Was any economic benefit gained by the operator for failure to comply? Yes  
If yes explain.

Explanation:

Increased permit area to extract stone and conduct other mining operations. This increased area is not covered within the current reclamation surety. Although he as not disturbed all areas that are covered under his permit or surety.



**GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: \_\_\_\_\_

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.


Explanation: \_\_\_\_\_

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes explain.

Explanation: The abatement for this CO requires the operator to submit a permit revision to include the area disturbed in his mine plan area.

Cannot evaluate Good Faith until the CO is abated. To date, the CO has not been abated.

Lynn Kunzler  
Authorized Representative

  
Signature

October 21, 2005  
Date